

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH A. HILL,

Defendant.

8:24–CR–15

ORDER

Before the Court is the defendant’s unopposed Motion to Continue Trial. [Filing 65](#). In support of his Motion, the defendant—who is charged with Hobbs Act robbery, among other things—argues that extra time is needed for the parties to resolve the issue of whether Hobbs Act robbery is “considered a ‘crime of violence’ as that phrase is defined and used in the United States Sentencing Guidelines.” [Filing 65 at 1](#). The defendant is correct that while it appears the Eighth Circuit has not resolved this issue, other circuits have determined that Hobbs Act robbery does not qualify as a “crime of violence” within the meaning of the guidelines. *See, e.g., Bridges v. United States*, 991 F.3d 793, 800 (7th Cir. 2021) (noting that “every federal appellate court to address the issue squarely has concluded that Hobbs Act robbery does not fall within the narrow definition of ‘crime of violence’ in Amendment 798 and codified in § 4B1.2”). The defendant avers that “[t]his is of particular import to the instant case and in regard to plea negotiations because the phrase ‘crime of violence’ has pertinent application to Defendant from a guideline analysis standpoint.” [Filing 65 at 1](#).

The Eighth Circuit has stated, “Continuances are disfavored and should only be granted if the moving party has shown a compelling reason.” *United States v. Nguyen*, 526 F.3d 1129, 1134 (8th Cir. 2008). The defendant has identified uncertainty regarding how his sentencing guidelines will be calculated, but the defendant has not indicated that additional clarity on this issue will be

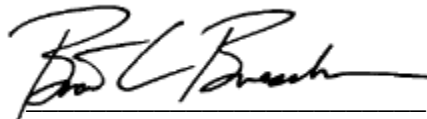
provided during the requested 30-day continuance. In addition, the defendant has already received several continuances. [Filing 41](#); [Filing 45](#); [Filing 52](#); [Filing 64](#). Under these circumstances, the Court does not find that the defendant has presented any “compelling reason” to grant another continuance. Accordingly,

IT IS ORDERED:

1. The Government’s Motion to Continue, [Filing 65](#), is denied without prejudice to reassertion on different grounds not set forth in this Motion.

Dated this 19th day of December, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge